

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRISTRATA TECHNOLOGY, INC.,)	
)	
Plaintiff,)	Civil Action No. 04-1263-JJF
)	
v.)	
)	
BEAUTY UNDERNEATH, ELLEN LANGE)	
SKIN SCIENCE, INC., JAN MARINI SKIN)	
RESEARCH, INC., INTERNATIONAL SHIELD)	
INC., COSMESEARCH, INC., SKINCEUTICALS,)	
INC., DERMATOLOGIC COSMETIC)	
LABORATORIES LTD., AND PERRI SKIN)	
CARE,)	
)	
Defendants.)	

STIPULATION AND ORDER

IT IS HEREBY STIPULATED BY THE PARTIES, subject to the approval of the Court, that the Rule 16 Scheduling Order (D.I. 39) in this action be amended as follows:

- 1) All fact discovery must be commenced so as to be completed by October 20, 2005.
- 2) Reports from retained experts required by Fed. R. Civ. P 26(a)(2) are due from the party who bears the burden of proof within twenty-one (21) days following the issuance of the Court's Markman Order; rebuttal reports are due within twenty-one (21) days thereafter.
- 3) The parties agree that the Markman Hearing currently scheduled for October 4, 2005 should be taken off calendar and rescheduled. The Markman Hearing shall be held on November 3, 2005 at 1:00 p.m. Markman briefs shall be filed fourteen (14) days before the Hearing. Answering briefs shall be filed seven (7) days before the Hearing.
- 4) Any case dispositive motions shall be served and filed within fourteen (14) days following service of the reports from retained experts outlined in paragraph 2 above. Responses

shall be governed by the schedule set forth in the Court's Memorandum Order of February 3, 2005 (D.I. 38) governing summary judgment motion practice.

5) A pretrial conference will be held on _____, 2006 at _____.

[To allow for completion of the summary judgment process, the parties propose the week of February 20, 2006.]

6) All other dates in the Court's Rule 16 Scheduling Order (D.I. 39) shall remain unchanged.

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SO ORDERED this _____ day of _____, 2005.

United States District Judge